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January 7, 2022

UNITED STATES DISTRICT COURT

1

SOUTHERN DISTRICT OF NEW YORK

----- X

ANTHONY RAPP and C.D.,

Civil Action No. 1:20-cv-09586 (LAK)

Plaintiffs,

- against -

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

----- X

Zoom Deposition

January 7, 2022

11:03 a.m.

EXAMINATION BEFORE TRIAL of the
Non-Party Witness, ANDREW HOLTZMAN, pursuant to
Notice, held on the above date and time, via
videoconference, taken by and before KRYSTINA KORNAK
FLORA, RPR, a Notary Public within and for the State
of New York.

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(1) - ANDREW HOLTZMAN - 6
(2) Scolnick of Keller/Anderle on behalf of
(3) Mr. Fowler.
(4) THE VIDEOGRAPHER: Thank you very much.
(5) The court reporter is Krystina Kornak,
(6) also with Lexitas, and I'm going to ask her
(7) to please now swear in the witness.
(8) A N D R E W H O L T Z M A N ,
(9) called as a witness, having been first duly
(10) sworn by a Notary Public within and for the State of
(11) New York, was examined and testified as follows:
(12) EXAMINATION BY
(13) MR. SAGHIR:
(14) Q. Would you please state your full name
(15) for the record.
(16) A. Andrew Holtzman.
(17) Q. What is your current address?
(18) A. 23 West 73rd Street, New York, New York
(19) 10023.
(20) Q. Good morning, Mr. Holtzman.
(21) A. Good morning.
(22) Q. Mr. Holtzman, I want to focus your
(23) attention on the summer of 1981. Were you working
(24) at that time?
(25) A. I was.

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(2) Q. Where?

(3) A. At the New York Shakespeare Festival
(4) Public Theater.

(5) Q. What is the New York Shakespeare
(6) Festival Public Theater?

(7) A. It's a nonprofit theatrical
(8) organization that was based down on Lafayette Street
(9) in lower Manhattan comprised of seven theaters off
(10) Broadway, and they also did free Shakespeare
(11) presentations during the summer in Central Park and
(12) in the outer boroughs.

(13) Q. How long had you been working there as
(14) of 1981?

(15) A. Around one and a half years or so.

(16) Q. Tell us how you got that job at the
(17) Shakespeare Festival?

(18) A. A friend of my brother's, who was in
(19) the television business, knew -- had a good friend
(20) who was working at the Shakespeare Festival as sort
(21) of a developing producer. He had an office with a
(22) partner at The Public. And my brother knew I was
(23) looking for an opportunity. I really didn't know
(24) what it should be. I wanted it to be creative as
(25) possible. I had a love of film, but theater as

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(2) production people or actors, to use the phone, to
(3) sit, the read, to do whatever they wanted. And, you
(4) know, they were sent there one at a time and so I
(5) was used to people coming in and out all the time.

(6) Q. What, if anything, did you see
(7) Mr. Spacey doing as you were finishing up your phone
(8) call?

(9) A. He took his windbreaker off and sat
(10) down. Took his shoulder bag off and I believe he
(11) took something out of it and was looking at it.

(12) Q. Did there come a point in time when
(13) your call finished?

(14) A. Yes.

(15) Q. Tell us what happened?

(16) A. I thought it was odd that no words were
(17) spoken, not even a "hey." I got at least that from
(18) the people who came into the office, so I thought it
(19) was probably because I was on the phone. So I hung
(20) up and I stood up, and he stood up and sort of
(21) looked at me and made a slow walk forward.

(22) Q. As he was walking toward you what, if
(23) anything, did you observe?

(24) A. The reason I remember he was wearing
(25) blue jeans is because he had a fully erect penis

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(2) that was extremely clear to see in his jeans, in
(3) front of his jeans.

(4) Q. Tell us what happened next.

(5) A. I was taken back because there was no
(6) way to miss that. And, still, no words were spoken.
(7) I still kind of wanted to believe he was coming over
(8) just to say hi and he didn't. He reached down to my
(9) crotch, around the scrotum area, and pulled me up
(10) onto the desk, and then he was somewhat on top of me
(11) rubbing, grinding his erection on me.

(12) Q. When you say he reached down to your
(13) crotch, tell us specifically what happened.

(14) A. He reached -- he used it as leverage to
(15) pull me up and onto the side of my desk.

(16) Q. Tell us how you were positioned on your
(17) desk?

(18) A. Sort of legs off the side, being pushed
(19) back.

(20) Q. And at that time what, if anything, was
(21) Mr. Spacey doing?

(22) A. He was doing the grinding, the rubbing
(23) of his erection.

(24) Q. Did Mr. Spacey say anything to you at
(25) that point in time?

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(2) A. He said nothing from start to finish of
(3) this incident.

(4) Q. When he was on top of you rubbing and
(5) grinding what, if anything, did you do?

(6) MR. SCOLNICK: Objection. Misstates
(7) the evidence.

(8) MR. SAGHIR: Withdrawn.

(9) Q. When Mr. Spacey was on top of you what,
(10) if anything, did you do?

(11) MR. SCOLNICK: Objection. Misstates
(12) the evidence. Assumes facts.

(13) MR. SAGHIR: Withdrawn.

(14) Q. Where was Mr. Spacey when you were on
(15) the desk?

(16) A. He was on top of me or trying to be.

(17) Q. When Mr. Spacey was on top of you what,
(18) if anything, did you do?

(19) MR. SCOLNICK: Same objection.
(20) Misstates --

(21) A. I yelled.

(22) Q. Tell us what you said.

(23) A. I said, "What the fuck are you doing?
(24) This is my office. Get off." Pretty normal stuff
(25) in such a shocking incident, situation.

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(2) Q. When you told him to get off what, if
(3) anything, did he do?

(4) A. I think it -- it was a few -- a few
(5) more seconds before he did anything, and as I
(6) continued to push, and it was pretty clear nothing
(7) was going to be happening here, he got off.

(8) Q. When you say "push," tell us what you
(9) were doing?

(10) A. I was trying to push him off me. My
(11) recollection is I was pushing on his shoulders
(12) because my arms were free.

(13) Q. Did he eventually get off of you?

(14) A. Yes.

(15) Q. Tell us what happened?

(16) A. He stood up and he looked at me --
(17) maybe for the first time really looked at me, and he
(18) was extremely angry, which was scary to me, and then
(19) he turned and when he walked and he grabbed his
(20) stuff from his desk and he stormed out of the room
(21) slamming the door pretty dramatically.

(22) Q. Before we stormed out of the room and
(23) slammed the door, did he say anything to you?

(24) A. Nothing.

(25) Q. Mr. Holtzman, when, if ever that day,